



United States Department of State

Washington, D.C. 20520

Case Control No. 201106090

DEC 22 2011

Mr. Jason Smathers
c/o MuckRock News
Dept MR 682
PO Box 55819
Boston, MA 02205-5819

Dear Mr. Smathers:

I refer to your letter dated July 18, 2011, requesting under the provisions of the Freedom of Information Act (Title 5 USC Section 552), the release of certain records maintained on Len Sassaman by the Department of State.

The Department of State has a number of record systems. Its Central Foreign Policy Record File is an automated centralized records system, containing substantive foreign policy documents. Additionally, offices within the Department and Foreign Service posts abroad maintain files specific to their operations. Information about the Department and the mission and functions of its individual bureaus and offices, as well as its posts abroad, may be found at our website, www.state.gov or in the U.S. Government Manual published by the Government Printing Office and available at most public libraries.

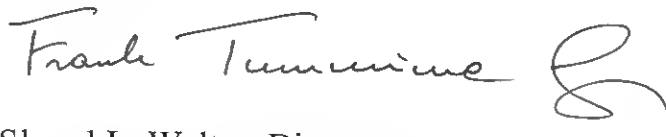
Based on the subject matter of your request, we searched the record systems most likely to maintain responsive records: the Central Foreign Policy Record File, the Office of Visa Affairs and the Passport Office. After a thorough search of these systems conducted by professional employees familiar with their contents and organization, no records responsive to your request were located.

I regret that the Department's response to your request is not more positive. Please direct questions concerning the processing of your request to: Office of Information Programs and Services, A/GIS/IPS, SA-2, Room 8100, U.S. Department of State, Washington, D.C. 20522-8100, or telephone (202)261-8484.

The D.C. Circuit Court of Appeals, in Oglesby v. Department of the Army, 920 F.2d 57 (D.C. Cir. 1990), ruled that a "no record" response constitutes an adverse determination, thereby requiring an agency to give appeal rights to the requester. Our determination that the Department does not have any records responsive to your request may be appealed within 60 days of the date of this letter. Although I believe that our search effort has been thorough and complete, I want to be sure that you are aware of this court decision.

Appeals should be addressed to: Chairman, Appeals Review Panel, c/o Appeals Officer, A/GIS/IPS/PP/LC, Room 8100, SA-2, U.S. Department of State, Washington, D.C. 20522-8100. A copy of the Department's appeal procedures is enclosed. Please refer to the case control number shown above in all correspondence concerning this case.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frank Tumminia" followed by a stylized flourish.

Sheryl L. Walter, Director
Office of Information Programs and Services

Enclosure:
As stated.